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Also admitted in District of
Columbia and Massachusetts

Via Electronic Mail and Hand Delivery

April 3, 2008

S. Derek Phelps
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: **Petition No. 831 - Petition of Waterbury Generation LLC for a
Declaratory Ruling for the Construction of an Electric Generating
Facility and Associated Transmission Line Tap in Waterbury,
Connecticut**

Dear Mr. Phelps:

In response to your March 18, 2008 memorandum, enclosed are an original and twenty (20) copies of Waterbury Generation LLC's ("WatGen") comments with respect to errors or inconsistencies in the Council's Draft Findings of Fact dated March 11, 2008 in connection with the above-referenced matter:

Finding of Fact No. 5: The party in this proceeding is the petitioner. Intervenors to the proceeding are The Connecticut Light and Power Company (CL&P), Steven Shrag of the Naugatuck Valley Project, and the "Waterbury Neighborhood Groups" consisting of the following organizations: The Brooklyn Neighborhood Association, The Town Plot Neighborhood Association, Mohawk Park Civic Club, The Hopeville Neighborhood Association, The Gilmartin Community Club, and The Waterbury Neighborhood Council. (Transcript 1, January 8, 2008 [Tr. 1], pp. 5-13).

Finding of Fact No. 6: Public notice of the petition was published in the Waterbury Republican-American on October 1 and October 2, 2007. (WatGen 1, p. 5).

Finding of Fact 11: Comments were received from the Department of Transportation on January 3, 2008 and the DEP on January 8, 2008. Agency comments are referenced in this document where applicable. (Record).



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S. Derek Phelps
April 3, 2008
Page 2

Finding of Fact 14: WatGen held a public information session on September 12, 2007 at a Waterbury hotel. The session was publicly noticed in the Waterbury-Republican-American. (WatGen 1, pp. 10-11)

Finding of Fact 15: The record citation to support this finding should read: (WatGen 1, pp. 5-6).

Finding of Fact 16: WatGen met with a group organized by the Waterbury Neighborhood Council to and discussed project impacts on the neighborhood south of the proposed site. (WatGen 2, Q. 4). In addition, on December 19, 2007, WatGen attended another public information session in Waterbury at which members of various organizations and neighborhood groups, including the Naugatuck Valley Project, Waterbury Neighborhood Council, Town Plot Neighborhood Association, Hopeville Neighborhood Association, Gilmartin Community Club and Brooklyn Neighborhood Association were present. At that session, WatGen presented information about the Project and responded to questions from the community. (WatGen 6, pp. 8-9).

Finding of Fact 17: WatGen met with H&B Realty, owner of the abutting property to the east at 130 Washington Avenue, on October 31, 2007 to and discussed noise, stormwater runoff, air emissions, security and potential health issues impacts associated with the project. (WatGen 2, Q. 6 4).

Finding of Fact 18: The record citation to support this finding should read: (Tr. 1 2, pp. 7-12).

Finding of Fact 19: The record citation to support this finding should read: (Tr. 2, pp. 60-69 70).

Finding of Fact 25: The generator would have ~~duel~~ dual-fuel capability of natural gas and ultra-low sulfur distillate oil (WatGen 1, pp. 6-7).

Finding of Fact 26(j): A variable bleed valve exhaust stack with a height of 48 feet;

Finding of Fact 28: The electrical and control modules and ~~demineralized~~ demineralized water module would be located within the leased area of the mill building, separated from the remaining ACB facility by an eight-foot high chain link fence. (WatGen 1, p. 20; WatGen 12; Tr. 3, pp. 32, 47, 49-50).



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S. Derek Phelps
April 3, 2008
Page 3

Finding of Fact 32: The record citation to support this finding should read: (WatGen 1, Exhibit 5, p. 3, Exhibit 14, p. 4; WatGen 2, Q. 1, Q. 14; Tr. 1 pp. 21-22).

Finding of Fact 33: The record citation to support this finding should read: (WatGen 1, Exhibit 14, p. 4; WatGen 2, Q. 14; Tr. 1 pp. 21-22).

Finding of Fact 38: The estimated cost of the facility generator is \$35,000,000 and of the total project is \$120,000,000. (WatGen 1, Exhibit 1; Tr. 2, pp 8-9, 23-24).

Finding of Fact 39: a 115-kV transmission line tap would connect the generating facility with the Baldwin Street Substation, located approximately 1.8 miles south of the site on ~~South Main~~ Baldwin Street in Waterbury. (WatGen 1, pp. 7, 9; WatGen 2, Q. 10).

Finding of Fact 42: The heights of the transmission structures would primarily range from 77 to 82 feet except for two structures that would attain a height of 125 feet to provide adequate clearance over CL&P's distribution circuits on the South Leonard Street overpass. (WatGen 15, Q. 20).

Finding of Fact 45: There are no existing pole or tower type structures within the portion of the Metro-North right-of-way proposed for the transmission line route. (WatGen 2, Q. 8).

Finding of Fact 51: ~~Natural gas would be provided- WatGen is currently negotiating the terms of a natural gas interconnection agreement with Yankee Gas for the provision of natural gas~~ from the existing Yankee Gas LNG facility off Railroad Hill Street in Waterbury, approximately 4,700 feet south of the site. ~~-WatGen is currently negotiating lease terms with Yankee Gas.~~ (WatGen 2, Q. 7).

Finding of Fact 62: WatGen would ~~operate~~ monitor the plant remotely from FirstLight's New Milford Connecticut dispatch office. One or two workers would be stationed at the plant during operation. (WatGen 15, Q. 17).

Finding of Fact 63: Facility maintenance would be based on hours of operation. Routine inspections would be conducted of the combustion systems, pumps and filters, and air pollution control equipment. The generator engine would be removed for a thorough inspection after ~~2,000~~ 20,000 hours of operation. (WatGen 15, Q. 18).

Finding of Fact 66: The record citation to support this finding should read: (WatGen 1, pp. 48, 19-20).



ROBINSON & COLE_{LLP}

S. Derek Phelps
April 3, 2008
Page 4

Finding of Fact 68: There will be no structural loads from the tank ~~would not affect imposed on~~ the retaining wall. (WatGen 15, Q. 36).

Finding of Fact 70: The record citation to support this finding should read: (WatGen 1, p. 19; WatGen 2, Q. 7 11; WatGen 5; Tr. 3, pp. 34-35).

Finding of Fact 71: ~~The All~~ transmission line structures are is located outside of wetland areas in an upland areas. Two transmission line support structures ~~would~~ may be placed within the 100-foot buffer zone along the river. (WatGen 5, p. 2; Tr. 3, pp. 34-35).

Finding of Fact 74: The record citation to support this finding should read: (WatGen 1, p. ~~12~~ 21, Exhibit 18, p. 13; Tr. 1, p. 27; Tr. 3, ~~pp. 27,~~ 129).

Finding of Fact 77: The record citation to support this finding should read: (Tr. 3, pp. 121-1234).

Finding of Fact 81: The record citation to support this finding is: (WatGen 1, Exhibit 10, p. 13).

Finding of Fact 83: NO_x would be controlled by using the highly efficient simple-cycle GE LMS 100 gas turbine with selective catalytic reduction (SCR) and water injection when burning gas and ~~water injection and SCR when burning~~ ULSD oil. (WatGen 1, Exhibit 10, pp. 13-14; Tr. 3, pp. 10-11).

Finding of Fact 85: SO_x would be controlled ~~with~~ through the use of clean burning natural gas or ULSD oil. (WatGen 1, Exhibit 10, p. 13).

Finding of Fact 88: The preliminary ambient air modeling determined an exhaust stack height of 213 feet would be required to meet NAAQS criteria. The DEP may determine, based on the information submitted in support of the air permit application, a shorter stack height would be sufficient to meet NAAQS criteria. (DEP comments of January 7, 2008; Tr. 3, pp. 119-123).

Finding of Fact 90: The record citation to support this finding should read: (WatGen 3; Tr. 3, pp. 100-104; ~~119-121~~).

Finding of Fact 91: The record citation to support this finding should read: (DEP comments of January 7, 2008; WatGen 3; Tr. 3, pp. 19-22, 100-104).



ROBINSON & COLE LLP

S. Derek Phelps
April 3, 2008
Page 5

Finding of Fact 96: The record citation to support this finding should read: (Tr. 3, pp. 31, 33-34, 97-98).

Finding of Fact 98: The record citation to support this finding should read: (WatGen 1; Tr. 3, pp, 31, 33-34, 97-98).

Finding of Fact 102: The record citation to support this finding should read: (Tr. 3, pp. 39-40).

Finding of Fact 112: The record citation to support this finding should read: (WatGen 15, Q. 33, Q. 34, Q. 35).

Finding of Fact 124: The record citation to support this finding should read: (WatGen 15, Q. 26 27).

Finding of Fact 125: The record citation to support this finding should read: (WatGen 15, Q. 26 27).

WatGen appreciates the opportunity to review and offer comments on the draft Findings of Fact.

Please feel free to contact me if you have any questions or require additional information. Thank you.

Sincerely,



Joey Lee Miranda

Copy to: Parties and Intervenors of Record

